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## E-Procurement Pilot Program Application and Waiver Request Guidance

Any applicant preparing an application and waiver request to participate in the E-Procurement Pilot Program, P.L. 2001 c. 30, must include the information in Section I as part of the application. The applicant must also review both the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq, and the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq. to determine provisions that may require waiver. Common waiver items are highlighted in Section II.

### I. Information – Include in Application and Waiver Request

- a. The applicant shall submit a detailed, step-by-step description of its product to be offered for use by contracting units. The description must also incorporate any actions that must be taken by a contracting unit to use the service. For example, the first step might be the contracting unit's governing body adopting a resolution to contract to use your company's services.
- b. The applicant shall submit a copy of any proposed contracts to be used as part of the application. This includes contracts between the vendor and the contracting unit, and the vendor and contractors.
- c. If applicable, the applicant shall submit a copy of all promotional literature to be used to solicit business from contracting units.
- d. The applicant shall submit the resume of the ownership in the vendor's organization
- e. Services provided – i.e., bids for contracts above the bid threshold, quotes for contracts below the bid threshold etc.

### II. The application should identify the statutory provisions below to consider for waiver. The list below is not an exclusive one. The appropriate law should be reviewed to determine if any provision requires a waiver to allow use of your service.

If a waiver of a particular provision of law is requested, include a statement as to why the waiver is needed and how the vendor's procedural steps will meet the policy goals of the appropriate contracts law.

The Division has found the following areas that may require a waiver (not an exclusive list):

- a. The sealed bid process. Review how the policy goals regarding bid guarantees (i.e. bid bonds, certified checks, cashier checks), consents of surety, performance bonds, affirmative action statements, and statements of corporate ownership are handled with an online process?
- b. How vendors will be approved to participate in the online process.
- c. How the actual bid prices will be received. In a formal bid process, price is a single event, submitted in a sealed envelope. How will potential bidders obtain specifications?
- d. What will happen when vendors have questions about the bid specifications? How will the questions be submitted and who will provide the answer?
- e. How will issuance of addenda or revisions to the specifications be handled?
- f. Will the governing body make the contract award after an auction or will the governing body delegate this to the vendor or a governing body representative?
- g. What will happen if a bidder has problems with the online system during the auction?

Please note this list is not intended to limit a vendor's review of the appropriate law. The vendor

should consult counsel regarding the interpretation of the appropriate law and the particular waiver(s) needed to provide their service(s).

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